

the words, "(true name of substance) used here in place of butter"; and such person shall keep said placards continuously posted as aforesaid so long as such butter substitute be kept or used.

A person who violates this section, whether knowingly or not, is liable thereunder; hence the indictment need not state that the sale was "fraudulently" made. *Fox v. State*, 94 Md. 144 (decided prior to the act of 1910, ch. 437).

See notes to section 135.

1904, art. 27, sec. 125. 1888, art. 27, sec. 91. 1888, ch. 312, sec. 4. 1900, ch. 496. 1910, ch. 437 (p. 87).

138. The term "Natural Butter" as used in section 135 shall be understood to mean the product usually known by the term "Butter," and which butter is manufactured exclusively from pure milk or cream, or both, with or without salt or harmless coloring matter.

It is no defense to an indictment under this section that the oleomargarine served was a wholesome article imported from another state. *Hancock v. State*, 89 Md. 724 (decided prior to the act of 1900, ch. 496).

See notes to section 135.

1910, ch. 437 (p. 87).

139. Anyone violating any of the provisions of sections 135-138 shall for the first offense be punished by a fine of not less than \$25, or more than \$200; for a second offense, a fine of not less than \$100, or more than \$500; or by imprisonment of not less than thirty days or more than six months, or both.

Fraud—Conversion by Factors of Consigned Goods.

1904, art. 27, sec. 126. 1888, art. 27, sec. 92. 1888, ch. 293.

140. Any factor, commission merchant or consignee, or any person selling goods on commission, or the agent, clerk or servant of such person, who shall convert to his own use any provisions, fruits, flour, meat, butter, cheese or any other property, or the proceeds of the same, shall be deemed guilty of a misdemeanor, and upon indictment and conviction in any court of this State having criminal jurisdiction shall be fined not more than one thousand dollars or be imprisoned not exceeding six months, or both, in the discretion of the court; and the failure to pay over the avails or proceeds received by any factor, commission merchant, consignee or person selling goods or produce on commission, less his proper charges, within five days after receiving the money or its equivalent from the purchaser or purchasers of said goods or produce and demand made therefor by the person entitled to receive the same, or his or her duly authorized agent, shall be *prima facie* evidence in any court of law in this State to establish the conversion of said goods or produce.

As to "Agents and Factors," see article 2.

Ibid. sec. 127. 1890, ch. 619, sec. 92A.

141. Every factor, commission merchant or consignee, and every person selling on commission any farm products of persons within this State, such as vegetables, fruit, grain, tobacco, poultry, eggs, cattle,